

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10558 of 2020

Arising Out of PS. Case No.-1432 Year-2017 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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1. Abdul Motalib, aged about 33 years, Male
2. Abutalib, aged about 31 years, Male
Both are S/O Late Sk. Tufelehan, Resident of Village Jhumka, P.S.- Sikta,
District – West Champaran

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Sheikh Hamdullah, aged about 64, Male, S/O Late Sheikh Ehasn, R/O
Village- Jhumka, P.S. Sikta, District West Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey
For the Opposite Party/s : Mr. Mithlesh Kumar Khare

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 24-06-2020 Heard Mr. Bimlesh Kumar Pandey, learned counsel

for the petitioners and Mr. Mithilesh Kumar Khare, learned

Additional Public Prosecutor appearing for the State through

video conferencing.

Petitioners apprehend their arrest in connection with

Complaint Case No. 1432C of 2017 registered for the offence

punishable under Section 379, 451 of the I.P.C.

The allegation as per the complaint lodged by

complainant -Sheikh Hamdullah who had initially lodged Sikta

P.S. Case No. 105 of 2016 registered under Section 452, 379,

504/34 of the I.P.C. stating therein that the petitioners along

with other accused persons entered into the house of the



informant and committed theft of ornaments, cash etc. The Police after investigation submitted final form in Sikta P.S. Case No. 105 of 2016 not sending the petitioners for trial. However, a protest -cum- complaint petition was filed by the complainant / informant in which learned Magistrate has taken cognizance under Section 379, 451 of I.P.C. vide order dated 03.07.2018.

Learned counsel for the petitioners submits that petitioners have falsely been implicated in this case as a counter blast to Sikta P.S. Case No. 104 of 2016 lodged by petitioner no. 1 against the complainant – Opposite Party No. 2. Learned counsel further submits that no incriminating material has been recovered from the possession of the petitioners and the present protest- cum- complaint petition has been filed as a counter blast to Sikta P.S. Case No. 104 of 2016 lodged by the side of the petitioners.

Having heard learned counsel for the parties and taking into consideration the fact that there is case and counter case between the parties and no stolen property has been recovered from the possession of the petitioners, I am inclined to grant anticipatory bail to the petitioners.

Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioners, above



named, shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Shree Raj Kapoor, learned J.M. 1st Class, Bettiah, West Champaran in connection with Complaint Case No. 1432C of 2017, subject to the condition as laid down under Section 438 (2) of the Code Of Criminal Procedure.

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding lockdown and social distancing.

(Anil Kumar Sinha, J)

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